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In re Application of GUO et al.
Application No.: 10/019,883
PCT No.: PCT/CN00/00296
Int. Filing: 30 September 2000
Priority Date: None
Attorney Docket No.: 42390.P9270
For: METHOD AND SYSTEM FOR
GENERATING AND SEARCHING AN OPTIMAL
MAXIMUM.....

:
: DECISION ON
:
: RENEWED PETITION
:
: UNDER 37 CFR 1.47(a)
:

This is a decision on applicant's renewed petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 23 March 2007. Applicant's request for a one month extension of time is granted.

BACKGROUND

On 27 December 2001, applicant filed a transmittal letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. § 371. Filed with the Transmittal Letter was, *inter alia*, the requisite basic national fee.

On 10 April 2006, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating *inter alia*, that an oath or declaration in accordance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period was required.

On 26 September 2006, applicant filed a petition along with a declaration, executed by the joint inventors on behalf of the nonsigning inventor. The petition under 37 CFR 1.47(a), in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), requested the acceptance of the application without the signature of inventor Qing Guo, alleging that Mr Guo refused to sign the application and was unavailable.

On 04 January 2007, a decision dismissing the petition was mailed indicating that a newly executed declaration by Baosheng Yuan was required and that applicant had not demonstrated a *bona fide* attempt to present a copy of the application papers to inventor Guo.

DISCUSSION

Petitioner has now presented a renewed petition under 37 CFR 1.47(a) along with declarations signed by inventors Quig Guo and Baosheng Yuan. A review of the declarations

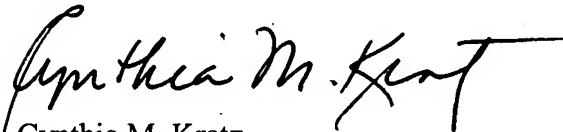
reveals that the declarations identify and are executed by all the inventors named in the international application. The declarations state the residency, citizenship and mailing address of each inventor and are without alteration. Thus, the declarations are acceptable and the requirements of 37 CFR 1.497(a) and (b).

The renewed petition under 37 CFR 1.47(a) is considered moot as declaration executed by the previously unavailable inventor has now been submitted. The declarations are acceptable under 37 CFR 1.497(a) and (b).

CONCLUSION

For the above reasons, the renewed petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**. The declarations executed by the joint inventors and submitted on 23 March 2007 is in compliance with 37 CFR 1.497(a) and (b) and are acceptable.

This application is being forwarded to United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 27 March 2007.



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